

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

SAINT VINCENT HEALTH CENTER)	Civil Action No. 04-CV-342
)	Erie Division
Plaintiff,)	
)	
vs.)	Judge Maurice B. Cohill, Jr.
)	
BEECH STREET CORPORATION,)	
)	
Defendant.)	

AMENDED ANSWER TO AMENDED COMPLAINT

1. Defendant Beech Street Corporation (“Beech Street”) is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and, accordingly, denies these allegations.

2. The allegations of Paragraph 2 are admitted.

3. The allegations of Paragraph 3 are denied.

4. The allegations of Paragraph 4 are denied.

5. The allegations of Paragraph 5 are conclusions of law to which no response is required. By way of further response, the document attached as Exhibit A is in writing and speaks for itself.

6. Denied as stated. The document attached as Exhibit A is in writing and speaks for itself.

7. The allegations of Paragraph 7 are denied.

8. Denied as stated. The document attached as Exhibit A is in writing and speaks for itself.

9. Beech Street is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 and, accordingly, denies these allegations.

10. The allegations of Paragraph 10 are denied.

11. The allegations of Paragraph 11 are denied.

12. Beech Street is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and, accordingly, denies these allegations.

13. The allegations of Paragraph 13 are denied.

14. The allegations of Paragraph 14 are denied.

15. The allegations of Paragraph 15 are denied.

16. The allegations of Paragraph 16 are denied.

FIRST AFFIRMATIVE DEFENSE

The Plaintiff has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred by the doctrines of estoppel and/or waiver.

THIRD AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred by the statute of limitations.

FOURTH AFFIRMATIVE DEFENSE

The plaintiff's breach of contract claims are barred because the contract sued upon was terminated.

FIFTH AFFIRMATIVE DEFENSE

The plaintiff's claims are barred by the plaintiff's course of conduct.

SIXTH AFFIRMATIVE DEFENSE

The plaintiff's claims are barred in whole or in part by the doctrine of laches.

WHEREFORE, Defendant Beech Street Corporation respectfully requests that this Honorable Court dismiss Plaintiff's Complaint with prejudice.

Respectfully submitted,

By /s/ Dianna C. Wyrick
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Counsel for Beech Street Corporation

Dated: March 24, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2006, I caused a true and correct copy of the foregoing Amended Answer To Amend Complaint to be served upon Plaintiff's counsel via the Court's electronic filing system as follows:

John W. McCandless, Esquire
Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc.
2222 West Grandview Boulevard
Erie, PA 16506-4508

/s/ Dianna C. Wyrick
Counsel for Defendant